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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,546	03/18/2002	Tomoyuki Furuya	03560.003003.	4949
5514	7590	02/08/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BURLESON, MICHAEL L	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/098,546

Applicant(s)

FURUYA, TOMOYUKI

Examiner

Michael Burleson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Drawings

2. Figures 12-14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: Items labeled "201" and "202" in figure 14 are not explained.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 14 recites the limitation "A control program for performing..." which is non-statutory. A program is functional descriptive material and is only statutory when embodied in a computer readable medium.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-¹⁵~~18~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohnishi (U.S. Patent 6,853,465) in view of Kuriyama (U.S. Patent 6,228,125).

With respect to claim 1 Ohnishi discloses an image processing method for creating bit-map data and attribute information for each pixel corresponding to the bit-map data by expanding a rendering command (column 4 lines 6-9; column 4 lines 16-18), said image processing method comprising: an operation determining step of determining the type of operation to be performed on the attribute information based on logical operation processing specified for the rendering command; a logical operation processing creating step of creating the logical operation processing for the attribute information based on the determined type of operation; a logical operation processing step of creating the attribute information by executing the logical operation processing (column 5 lines 46-50, 53-57, 63-65).

The apparatus disclosed by Ohnishi differs from claim 1 in that Ohnishi does not disclose an inversion step of inverting the attribute information when the attribute information possesses an inversion attribute.

Kuriyama discloses an inversion step of inverting the attribute information when the attribute information possesses an inversion attribute (column 13 lines 22-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ohnishi wherein an inversion step of inverting the attribute information when the attribute information possesses an inversion attribute. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Ohnishi by the teaching of Kuriyama so that Ohnishi's invention could confirm attribute information is within a range.

With respect to claim 2 Kuriyama discloses an image processing method wherein the attribute information comprises information indicating the attribute and the inversion attribute possessed by the rendering command (column 13 lines 22-25).

With respect to claim 3 Kuriyama discloses an image processing method wherein each of the attributes and the inversion attribute of the attribute information has one bit (column 4 lines 65-66; column 13 lines 22-25).

With respect to claim 4 Ohnishi discloses an image processing method wherein the attribute possessed by the rendering command indicates the type of object (column 5 lines 58-60).

With respect to claim 5 Ohnishi discloses an image processing method wherein said operation determining step comprises: an analysis step of analyzing the logical operation processing specified for the rendering command; a target-attribute operation determining step of determining a target-attribute operation corresponding to the attribute possessed by the rendering command based on a result obtained in said analysis step (column 5 lines 47-51); and a non-target-attribute operation determining step of determining a non-target attribute operation corresponding to an attribute other than the attribute possessed by the rendering command based on the target-attribute operation (column 4 lines 11-13)

With respect to claim 6 Ohnishi discloses an image processing method wherein operation determining step comprises: an analysis step of analyzing the logical operation processing specified for the rendering command; a target-attribute operation determining step of determining a target-attribute operation corresponding to the attribute possessed by the rendering command based on a result obtained in said analysis step; and a non-target-attribute operation determining step of determining a non-target attribute operation corresponding to an attribute other than the attribute

possessed by the rendering command based on the target-attribute operation (column 5 lines 6-9).

With respect to claim 7 Ohnishi discloses an image processing method wherein when the logical operation processing is not specified for the rendering command, said operation determining step determines the type of operation to be performed on the attribute information by assuming that the logical operation processing indicates an overwriting operation (column 5 lines 58-61).

With respect to claim 8 Ohnishi discloses an image processing method further comprising a source creating step of creating a source and a pattern for the attribute information based on the rendering command, wherein said logical operation processing step executes the logical operation processing based on the source and the pattern for the attribute information (column 5 lines 6-9).

With respect to claim 9 Ohnishi discloses an image processing method wherein the attribute information created in said logical operation processing step has a result similar to a result obtained by performing the operation determined in said operation determining step on the source for the attribute information (column 4 lines 36-44).

With respect to claim 10 Ohnishi discloses an image processing method wherein the bit-map data is multi-level bit-map data (column 4 line 10).

With respect to claim 11 Kuriyama discloses a color-processing step of performing color processing for each pixel of the bit-map data expanded from the rendering command based on the attribute information obtained in said inversion step (column 13, lines 17-25).

Claim 12 arguments are analogous to those presented for claim 1 therefore the arguments presented for claim 1 are applicable.

With respect to claim 13 Ohnishi discloses an image processing system comprising an image processing apparatus and an image forming apparatus connected to each other (column 3 lines 47-50), said image processing apparatus comprising: bit-map creating means for creating bit-map data by expanding a rendering command; attribute-information creating means for creating attribute information for each pixel corresponding to the bit-map data; color processing means for performing color processing on the bit-map data based on the attribute information; and output means for outputting the color-processed bit-map data to said image forming apparatus, said attribute-information creating means comprising: operation determining means for determining the type of operation to be performed on the attribute information based on logical operation processing specified for the rendering command; logical operation processing creating means for creating the logical operation processing for the attribute information based on the determined type of operation; logical operation processing means for creating the attribute information by executing the logical operation processing (column 4 lines 6-9, column 4 lines 16-18, column 5 lines 46-50, 53-57, 63-65).

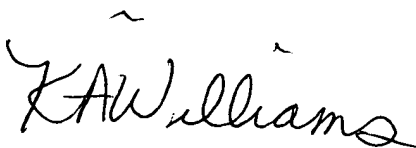
Kuriyama discloses inversion means for inverting the attribute information when the attribute information possesses an inversion attribute (column 13 lines 22-25).

Claim 14 arguments are analogous to those presented for claim 1 therefore the arguments presented for claim 1 are applicable.

With respect to claim 15 Ohinishi discloses a recording medium in which the control program set forth in claim 14 is recorded (column 3 lines 50-55).

Conclusion

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

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MIb
February 4, 2006